

HOUSE BILL No. 1396

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-39-7; IC 34-30-2-78.3.

Synopsis: Mammogram records. Requires a health care provider to maintain a patient's original mammogram films and reports for a maximum of 10 years. Requires a provider, upon request, to provide the original mammogram films and copies of reports concerning the mammogram films to the patient or certain other providers specified by the patient. Provides that a provider is immune from civil liability for destroying or otherwise failing to maintain original mammogram films or reports if the failure to do so is inadvertent and not done in bad faith. Requires the state department of health to promptly notify providers of changes in federal regulations regarding the maintenance and storage of x-ray film taken as a supplemental medical diagnostic tool to mammography.

Effective: July 1, 2001.

Atterholt, Welch, Dickinson, Becker

January 11, 2001, read first time and referred to Committee on Public Health.

C
o
p
y



First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1396

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-39-7-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) **This section does**
3 **not apply to original mammograms, which are governed by section**
4 **3 of this chapter.**

5 (b) As used in this section, "x-ray film" includes a microfilm copy
6 of the x-ray film.

7 (b) (c) A provider shall maintain a patient's x-ray film for at least
8 five (5) years.

9 (c) (d) At the time an x-ray film ~~other than a mammogram~~ is taken,
10 the provider shall do one (1) of the following:

11 (1) Inform the patient in writing of the following:

12 (A) The patient's x-ray film will be kept on file by the provider
13 for at least five (5) years.

14 (B) If the patient would like a copy of the x-ray film during
15 that period, the provider will provide the patient with a copy
16 of the x-ray film at the actual cost to the provider, as provided
17 in IC 16-39-1-2.



C
o
p
y

(2) Have posted conspicuously in the x-ray examination area a sign informing patients of the following:

(A) All x-ray films will be kept on file by a provider for at least five (5) years.

(B) On request during that time, the provider will provide the patient a copy of the patient's x-ray film at the actual cost to the provider.

~~(d) At the time a mammogram is taken, the provider shall inform the patient in writing of the following:~~

~~(1) The patient's mammogram will be kept on file by the provider for five (5) years.~~

~~(2) At the end of the five (5) years, the patient will be given thirty (30) days to claim and pick up the mammogram for the patient's own use, at no charge to the patient.~~

~~(3) If the patient does not claim the mammogram within the thirty (30) days described in subdivision (2), the provider may destroy or otherwise dispose of the mammogram.~~

~~(4) If the patient would like a copy of the mammogram before the expiration of the five (5) years, the provider will provide the patient with a copy of the mammogram at the actual cost to the provider, as provided in IC 16-39-1-2.~~

(e) A provider is immune from civil liability for destroying or otherwise failing to maintain an x-ray film in violation of this section if the destruction or failure to maintain the x-ray film is inadvertent and not done in bad faith. However, this subsection does not prevent the imposition of disciplinary sanctions against the provider, as described in subsection (f).

(f) A provider who violates this section commits an offense for which a board may impose disciplinary sanctions against the provider under the statute that governs the provider's licensure, registration, or certification under this title or IC 25.

SECTION 2. IC 16-39-7-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3. (a) Except as provided in subsection (b), a provider shall maintain a patient's original mammogram films and reports concerning the mammogram films in a permanent medical record of the patient for not less than:**

(1) five (5) years; or

(2) if the provider performs no additional mammograms of the patient, ten (10) years;

after the date the original mammogram films were taken.

(b) Upon request by or on behalf of a patient, a provider shall

C
o
p
y



1 permanently or temporarily transfer a patient's original
 2 mammogram films and copies of any reports concerning the
 3 mammogram films to:

- 4 (1) a medical institution;
- 5 (2) a physician or other health care provider of the patient; or
- 6 (3) the patient.

7 (c) Any fee charged to a patient for providing mammogram
 8 films and copies of reports under subsection (b) may not exceed the
 9 provider's actual cost in providing the films and reports.

10 (d) At the time a mammogram is taken, the provider shall
 11 inform the patient in writing of:

- 12 (1) the length of time that the patient's original mammogram
 13 films will be maintained; and
- 14 (2) the procedure for obtaining the original mammogram
 15 films and copies of reports concerning the mammogram films
 16 as described in subsection (b).

17 (e) A provider is immune from civil liability for destroying or
 18 otherwise failing to maintain a patient's original mammogram
 19 films or reports concerning the mammogram films in violation of
 20 this section if the destruction or failure to maintain the original
 21 mammogram films or reports is inadvertent and not done in bad
 22 faith. However, this subsection does not prevent the imposition of
 23 disciplinary sanctions against the provider, as described in
 24 subsection (f).

25 (f) A provider who violates this section commits an offense for
 26 which a board may impose disciplinary sanctions against the
 27 provider under the statute that governs the provider's licensure,
 28 registration, or certification under this title or IC 25.

29 (g) The state department shall promptly notify providers
 30 regarding new federal regulations for the maintenance and storage
 31 of x-ray film taken as a supplemental medical diagnostic tool to
 32 mammography.

33 SECTION 3. IC 34-30-2-78.3 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2001]: **Sec. 78.3. IC 16-39-7-3 (Concerning**
 36 **medical care providers for maintenance of original mammogram**
 37 **films and reports).**

C
o
p
y

